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Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAMUEL L. GENSAW III, ET AL.

Plaintiffs,

v.

DEL NORTE COUNTY UNIFIED
SCHOOL DISTRICT, ET AL.

Defendants.

Civil Case No.: C 07 3009 TEH

**STIPULATION AND [PROPOSED]
ORDER CONTINUING MOTION
TO DISMISS HEARING AND CASE
MANAGEMENT CONFERENCE**

Honorable Thelton E. Henderson

1 WHEREAS the Court, in its December 4, 2007 order in the above-captioned
2 case, rescheduled the Motion to Dismiss hearing from January 7, 2008 to March 3, 2008; and

3 WHEREAS the Court, in its December 13, 2007 order in the above-captioned
4 case, agreed to a stipulation extending the Motion to Dismiss briefing schedule (such that the
5 Opposition would be due January 16, 2008 and the Reply would be due February 4, 2008) and
6 rescheduling the Case Management Conference from January 28, 2008 to March 3, 2008 (such
7 that it would coincide with the Motion to Dismiss hearing); and

8 WHEREAS Plaintiffs Curtis F. Gensaw III, et al. and Defendants Del Norte
9 County Unified School District, et al. (collectively the "Parties") have agreed to continue both
10 the Motion to Dismiss hearing and the Case Management Conference; and

11 WHEREAS the attorney who intends to argue the Motion to Dismiss on behalf of
12 Plaintiffs has just discovered that a three week medical leave will render her unavailable from
13 March 3, 2008 to March 24, 2008; and

14 WHEREAS Defendants and their attorneys would prefer the Case Management
15 Conference and the Motion to Dismiss hearing to take place on the same day in view of the
16 great distance they must travel to be in attendance; and

17 WHEREAS the proposed continuance of the Motion to Dismiss hearing will not
18 affect the briefing schedule, as the Parties have now fully briefed the Motion to Dismiss; and

19 WHEREAS neither of the proposed continuances will affect the progress of this
20 action beyond delaying the resolution of the Motion to Dismiss by four weeks;

21 IT IS HEREBY STIPULATED by and between the Parties that, pursuant to the
22 Court's approval, the Motion to Dismiss hearing is continued to March 31, 2008, at 10:00 AM;
23 and the Case Management Conference is likewise continued to March 31, 2008, at 10:00 AM.

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3 Respectfully Submitted,

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5 DATED: February 5, 2008

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA

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By: Jory C. Steele /s/
Jory C. Steele

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11 DATED: February 5, 2008

COVINGTON & BURLING LLP

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By: Stephen E. George
Stephen E. George

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Attorneys for Plaintiffs

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18 DATED: February 6, 2008

MITCHELL, BRISSO, DELANEY & VRIEZE

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By: William F. Mitchell
William F. Mitchell

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Attorneys for Defendants

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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25 DATED: February __, 2008

Hon. Thelton E. Henderson

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